IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWELFTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO : 23306 of 1996

Between:

V. Venkateswara Rao, S/o. V. Jagan Mohan Rao, Hindu, R/o. Vijayawada, Krishna Dist.

..... PETITIONER

AND

1 The Depot Manager, Bhaskara Rao pet, A.P.S.R.T.C., Vijayawada,
2 The Divisional Manager Krishna Dist.,, APSRTC., Vijayawada.
3 The Regional Manager, Sathavahana Region, APSRTC., Vijayawada.,
4 The Vice Chairman, & Managing Director, APSRTC., Musheerabad, Hyderabad.,

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to pleased , in the interests of justice, to issue a writ or direction or order more particularly in the nature of mandamus directing the respondents 1 to 3 to appoint the petitioner as a regular Conductor Grade- II at Telugu Sathavahana Bus-Station, Vijayawada as per the directions of the 4th respondent in his letter No. GC2/535/90-Dy.M.(p)GC., Dt. 13-5-91 and pay the salaries and other benefits attached to the said post from 3-3-92 regularly by declaring their action as being illegal, improper, unjust, and opposed to the principles of natural justice, apart from violative of Arts. 14 and 16 of the constitution of India and Sec. 25 F of the Industrial Disputes Act, 1947 and also cannons of Law and Justice.

Counsel for the Petitioner: SMT.P.VIJAYA LAKSHMI

Counsel for the Respondent No.1 to 4: Mr.V.V.P.Rao

The Court made the following :

W. P.No.23306 of 1996

ORAL ORDER

The writ petition is filed seeking absorption of the petitioner into service in APSRTC as a regular Conductor Gr.II in the Vijayawada Depot.

The petitioner who is the son of a retired employee of the APSRTC was employed as a casual conductor under the ex-employee children quota. He was given appointment as a casual conductor on 3-3-92. He was being engaged from time to time as a conductor, according to the exigencies of service at various depots like Gannavaram and Vijayawada. By an order dated 7-6-96, the Depot Manager, Bhaskar Rao Pet Depot, disengaged the petitioner with immediate effect on the ground of “unauthorized absentism”.

The petitioner’s case is that he applied for leave but however, abstained from duty without sanction of leave. As persons similarly circumstanced and working as casual employees were absorbed into services of the respondent-APSRTC with effect from 1-8-1996, the petitioner made number of representations. As the said representations bore no fruit, he instituted the writ petition seeking only the relief of regularization into service.

A counter affidavit has been filed by the Law Officer of the APSRTC. *Inter alia*, it is pleaded that the petitioner was absent continuously from 6-3-96 to 31-3-1996 and also from 1-4-1986 to 5-6-1996 which absence caused inconvenience to the schedule of operations in the depot as well as financial loss to the Corporation. Therefore, he was disengaged by the order dated 7-6-1996. It is also pleaded that casual employees who were engaged in the year 1992 and who were in active service as on 1-8-1986 were absorbed into service. The petitioner was not given similar benefit because he was not in service as on 1-8-1996.

It would appear that after the institution of the writ petition, the petitioner was

reengaged as a casual conductor. As the petitioner has not assailed his disengagement order dated 7-6-1996 and he was not effectively in service as a casual conductor on 1-8-1996, he cannot legitimately seek parity of treatment with other casual employees who were absorbed into APSRTC service. In the circumstances, the relief as claimed by the petitioner cannot be granted.

The learned counsel for the petitioner is unable to state to this Court as to whether the petitioner is continuing in the service of the respondent as on date.

In the circumstances, the writ petition is disposed of, with an observation that if the petitioner has been continuing in casual employment as a Conductor since 1992, though with occasional breaks in service and if he is otherwise eligible and qualified for absorption into RTC service, his case may be considered for regular employment in accordance with law or any scheme framed and in operation with regard to absorption into service of casual employees. No costs.

12-08-1004

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To

1 The Depot Manager, Bhaskara Rao pet, A.P.S.R.T.C., Vijayawada,
2 The Divisional Manager Krishna Dist.,, APSRTC., Vijayawada.
3 The Regional Manager, Sathavahana Region, APSRTC., Vijayawada.,
4 The Vice Chairman, & Managing Director, APSRTC., Musheerabad, Hyderabad.,

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